REMARKS

The indication of allowable subject matter in claims 2-18 is acknowledged and appreciated. In view of the following comments, it is respectfully submitted that all claims are patentable over the cited prior art.

Claims 1 and 19 (the Examiner cites claims 3 and 4 as rejected, but this appears to be a typographical error) stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sakuragi '337 ("Sakuragi") in view of Kudo '931 ("Kudo"). This rejection is respectfully traversed for the following reasons.

Claim 1 recites in pertinent part, "an output unit operable to ... (ii) replace the first brightness information ***with second brightness information indicating higher brightness than the first brightness information*** and then output the second brightness information when strong light is incident to the imaging device and the read voltage is not in the predetermined range" (emphasis added). Claim 19 similarly recites in pertinent part, "a second output step of replacing the first brightness information with second brightness information indicating higher brightness than the first brightness information and then outputting the second brightness information when strong light is incident to the imaging device and the read voltage is judged not to be in the predetermined range."

The Examiner admits that Sakuragi does not disclose an output unit operable to output a relative light-strength detecting scheme in relation to normal/strong light, and relies on Kudo in an attempt to obviate this deficiency of Sakuragi. However, even assuming *arguendo* proper, it is respectfully submitted that the proposed combination does not disclose each and every feature recited in claims 1 and 19. In this regard, neither Sakuragi nor Kudo suggest an output unit operable to ***replace*** the first brightness information with second brightness information

indicating higher brightness than the first brightness information. That is, the alleged relative light-strength scheme of Kudo does not replace brightness information with another which indicates a higher brightness. Rather, at best, Kudo is merely directed to using a reset operation so that there is no reference potential variation when high brightness objects are being imaged. Kudo is completely silent as to replacing brightness information in the manner set forth in the claimed combination, let alone doing so with second brightness information indicating a higher brightness than the first brightness information.

According to one aspect of the present invention, when the voltage reaches a value that causes the amplifier circuit to be saturated, it can be made possible to replace its output voltage by a voltage indicating high brightness. As such, the present invention can make it possible to take a preventive measure even for incident light which is much weaker than incident light that causes underexposure or shadow detail loss of an image, so as to effectively address underexposure or shadow detail loss of an image as compared to conventional devices. Moreover, it can be made possible to eliminate adverse effects that can be caused by a voltage change at reset. Only Applicants have recognized and considered these effects, and conceived of a device which can make it possible to realize such effects.

The Examiner is directed to MPEP § 2143.03 under the section entitled "All Claim Limitations Must Be Taught or Suggested", which sets forth the applicable standard for establishing obviousness under § 103:

> To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (citing *In re Royka*, 180 USPQ 580 (CCPA 1974)).

In the instant case, the pending rejection does not "establish *prima facie* obviousness of [the] claimed invention" as recited in claims 1 and 19 because the proposed combination fails the "all the claim limitations" standard required under § 103.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 1 and 19 are patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination. Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below. To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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